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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil Gas and Mining

JOHN R. BAZA
Division Director

July 12, 2007

Tracy Burnham
Decorative Landscaping, Inc.
3231 North Millcreek Road
Pleasant Grove, Utah 84062

Subject: Approval of Amended Notice of Intention to Commence Small Mining Operations and Variance Request, Decorative Landscaping, T & M Holdings Mine, S0350023, Salt Lake County, Utah

Dear Mr. Burnham:

Effective October 3, 2006, the Division of Oil, Gas and Mining hereby approves your amended Notice of Intention to Commence Small Mining Operations originally submitted August 21, 2006, and modified September 14, 2006, and October 2, 2006. The approved amendment includes a request for a variance from the requirement in R647-3-109.13.12. This rule states, in part:

... where reseeding has occurred and the vegetation has survived one growing season, the reseeded area shall not be included for purposes of determining whether a mining operation is a small mining operation.

You have mined, regraded, and seeded two five-acre areas. The first of these was reseeded in 2005 and has survived one growing season. Vegetation in the second area has not survived one growing season, and this is the reason for the variance request. This second area will be graded, seeded, mulched, and watered to accelerate germination before the new four-acre area is disturbed. The alternative methods of mulching and irrigating are consistent with the Act. Therefore, the variance is approved.

The Division also approves the form and amount of surety for this project. A certificate of deposit at Capital Community Bank in the amount of \$19,000.00 is being held as reclamation surety.

We appreciate your diligence in completing reclamation and your cooperation. If you have concerns or questions about the action we are taking, please contact Paul Baker at 801-538-5261.

Sincerely

Susan M. White
Mining Program Coordinator
Minerals Regulatory Program

SMW:PBB:pb

Enclosures: Addendum to Reclamation Contract with new Attachment C (map)

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